

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

MARKEL JOHNSON,

Plaintiff,

v.

Case No. 10-cv-337

**HOLLY MEIER, RICK RAEMISCH,
JODINE DEPPISCH, JIM SCHWOCHERT,
MARK SCHOMISCH, RENEE SHULER,
DR. DAVID BURNETT, and JOHN DOE,**

Defendants.

ORDER

Plaintiff, Markel Johnson, a Wisconsin state prisoner, filed this pro se civil rights action pursuant to 42 U.S.C. § 1983 and was granted leave to proceed in forma pauperis. He is proceeding on an Eighth Amendment deliberate indifference to a serious medical need claim against defendant Holly Meier based on the original complaint allegations defendant Meier, and maybe others, denied a doctor's recommendation for knee surgery resulting in plaintiff's continued pain and suffering. Plaintiff has filed an amended complaint, which is before me for screening. See 28 U.S.C. § 1915A.

In his amended complaint, plaintiff identifies more defendants allegedly responsible for denying the surgery. Plaintiff alleges that, in addition to Holly Meier, David Burnett, Rick Raemisch, Jodine Deppisch, Jim Schwochert, Mark Schomisch, and Renee Shuler denied him knee surgery. He further alleges that defendant John Doe, a physical therapist, caused more damage to his ACL and MCL by doing strenuous therapy on his damaged leg, knowing he needed surgery. Plaintiff asserts that his knee could be permanently damaged. For relief, he requests to have his surgery, and he also seeks monetary damages.

I find that plaintiff may proceed on his Eighth Amendment medical care claim against the new defendants. Plaintiff must identify the John Doe defendant and he may use discovery to do so.

Finally, plaintiff has filed a second motion for leave to proceed in forma pauperis. However, he is already proceeding in forma pauperis and therefore this motion is moot.

IT IS THEREFORE ORDERED that pursuant to an informal service agreement between the Attorney General and this court, copies of plaintiff's amended complaint and this order are being electronically sent today to the Attorney General for service on the state defendants.

IT IS ALSO ORDERED that the defendants shall file a responsive pleading to the amended complaint.

IT IS FURTHER ORDERED that plaintiff's motion for leave to proceed in forma pauperis (Docket #24) is **DENIED AS MOOT**.

Dated at Milwaukee, Wisconsin, this 6th day of April, 2011.

/s

LYNN ADELMAN

District Judge